

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FREE TRANSMITTAL</b> <b>for FY 2002.</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
		Application Number	09/942,919
		Filing Date	August 31, 2001
		First Named Inventor	Cox
		Examiner Name	To Be Assigned
		Group Art Unit	3738
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No. P513 DIV1 (1737.1460008/LEA/DTJ)	
(\$130.00)			

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																								
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Deposit Account Number</td> <td>19-0036</td> </tr> <tr> <td>Deposit Account Name</td> <td>Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.</td> </tr> </table> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other*</p> <p><small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small></p>	Deposit Account Number	19-0036	Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.	<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large</th> <th>Entity</th> <th>Small</th> <th>Entity</th> <th></th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>141</td> <td>1,280</td> <td>241</td> <td>640</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1,280</td> <td>242</td> <td>640</td> <td>Utility issue fee for reissue</td> <td></td> </tr> <tr> <td>143</td> <td>460</td> <td>243</td> <td>230</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144</td> <td>620</td> <td>244</td> <td>310</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>130.00</td> </tr> <tr> <td>123</td> <td>130</td> <td>123</td> <td>130</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>581</td> <td>40</td> <td>481</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>740</td> <td>246</td> <td>370</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>740</td> <td>249</td> <td>370</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>179</td> <td>740</td> <td>279</td> <td>370</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>	Large	Entity	Small	Entity			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee for reissue		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner	130.00	123	130	123	130	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	481	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application	
Deposit Account Number	19-0036																																																																																																																																																																																								
Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.																																																																																																																																																																																								
Large	Entity	Small	Entity																																																																																																																																																																																						
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid																																																																																																																																																																																				
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																					
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																					
139	130	139	130	Non-English specification																																																																																																																																																																																					
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																					
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																					
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																					
115	110	215	55	Extension for reply within first month																																																																																																																																																																																					
116	400	216	200	Extension for reply within second month																																																																																																																																																																																					
117	920	217	460	Extension for reply within third month																																																																																																																																																																																					
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																					
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																					
119	320	219	160	Notice of Appeal																																																																																																																																																																																					
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																					
121	280	221	140	Request for oral hearing																																																																																																																																																																																					
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																					
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																					
141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																																					
142	1,280	242	640	Utility issue fee for reissue																																																																																																																																																																																					
143	460	243	230	Design issue fee																																																																																																																																																																																					
144	620	244	310	Plant issue fee																																																																																																																																																																																					
122	130	122	130	Petitions to the Commissioner	130.00																																																																																																																																																																																				
123	130	123	130	Petitions related to provisional applications																																																																																																																																																																																					
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																					
581	40	481	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																					
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																					
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																					
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																					
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																					
<p>1. BASIC FILING FEE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101</td> <td>740</td> <td>201</td> <td>370</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>106</td> <td>330</td> <td>206</td> <td>165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107</td> <td>510</td> <td>207</td> <td>255</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108</td> <td>740</td> <td>208</td> <td>370</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114</td> <td>160</td> <td>214</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table> <p>SUBTOTAL (1) (\$) <u>0-</u></p> <p>2. EXTRA CLAIM FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Extra</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims <u>27</u> - 27 = <u>0</u></td> <td>X</td> <td>=</td> </tr> <tr> <td>Indep. Claims <u>6</u> - 6 = <u>0</u></td> <td>X</td> <td>=</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td>=</td> </tr> </tbody> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>18</td> <td>203</td> <td>9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>102</td> <td>84</td> <td>202</td> <td>42</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>104</td> <td>280</td> <td>204</td> <td>140</td> <td>Multiple dependent claim</td> </tr> <tr> <td>108</td> <td>84</td> <td>209</td> <td>42</td> <td>**Reissue independent claims over original patent</td> </tr> <tr> <td>110</td> <td>18</td> <td>210</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table> <p>SUBTOTAL (2) (\$) <u>0-</u></p> <p><small>** or number previously paid, if greater; For Reissues, see above</small></p>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee		106	330	206	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		Extra	Fee from below	Fee Paid	Total Claims <u>27</u> - 27 = <u>0</u>	X	=	Indep. Claims <u>6</u> - 6 = <u>0</u>	X	=	Multiple Dependent		=	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	103	18	203	9	Claims in excess of 20	102	84	202	42	Independent claims in excess of 3	104	280	204	140	Multiple dependent claim	108	84	209	42	**Reissue independent claims over original patent	110	18	210	9	**Reissue claims in excess of 20 and over original patent	<p>Other fee (specify) :</p> <p>Other fee (specify) :</p> <p>*Reduced by Basic Filing Fee Paid</p> <p style="text-align: right;">SUBTOTAL (3) (\$) <u>130.00</u></p>																																																																																																										
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																				
101	740	201	370	Utility filing fee																																																																																																																																																																																					
106	330	206	165	Design filing fee																																																																																																																																																																																					
107	510	207	255	Plant filing fee																																																																																																																																																																																					
108	740	208	370	Reissue filing fee																																																																																																																																																																																					
114	160	214	80	Provisional filing fee																																																																																																																																																																																					
Extra	Fee from below	Fee Paid																																																																																																																																																																																							
Total Claims <u>27</u> - 27 = <u>0</u>	X	=																																																																																																																																																																																							
Indep. Claims <u>6</u> - 6 = <u>0</u>	X	=																																																																																																																																																																																							
Multiple Dependent		=																																																																																																																																																																																							
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description																																																																																																																																																																																					
103	18	203	9	Claims in excess of 20																																																																																																																																																																																					
102	84	202	42	Independent claims in excess of 3																																																																																																																																																																																					
104	280	204	140	Multiple dependent claim																																																																																																																																																																																					
108	84	209	42	**Reissue independent claims over original patent																																																																																																																																																																																					
110	18	210	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																					

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Dustin T. Johnson	Registration No.	47,684	Telephone	202-371-2600
Signature				Date	Oct. 12, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Applicants: Cox et al.

Due Date: None

Art Unit: To Be Assigned

Examiner: To Be Assigned

Docket: P513 DIV1 (1737.1460008)

Application No.: To Be Assigned  
(Divisional of Appl. No.: 09/121,226;  
Filed: July 22, 1998)

Filed: August 30, 2001

Atty: LEA/DTJ

For: Endoluminal Prostheses and Therapies for Highly Variable Body Lumens

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. ~~Sheet~~ Cover Sheet (in duplicate);
2. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
3. PTO Fee Transmittal (Form PTO/SB/17) (in duplicate);
4. A true copy of U.S. Utility Patent Application No. 09/121,226; Filed: July 22, 1998 entitled: Endoluminal Prostheses and Therapies for Highly Variable Body Lumens and naming as inventors Brian Cox; Michael A. Evans; Allan Will; Jay A. Lenker; Steven W. Kim; and Kirsten Freislinger the application consisting of a specification containing 31 pages of description prior to the claims; 12 pages of claims (59 claims); a one (1) page abstract; 22 sheets of drawings: (Figures 1, 2, 3A-3C, 4, 5A-5H, 6A-6C, 7A-7G, 8A-8F, 9A, 9B, 10A-10C, 11A-11C, 12, 13, 14A, 14B, 15A, 15B, 16A, 16B, 17A-17D, 18A, 18B, and 19); and a copy of the executed Declaration, as originally filed in U.S. Appl. Nos. 09/121,226 and 08/615,697;
5. Application Data Sheet;
6. A Preliminary Amendment;
7. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (in duplicate);
8. Two (2) return postcards; and
9. Our check No. 32395 for \$1076.00 to cover:
  - \$710.00 Filing fee for patent application;
  - \$126.00 Fee for excess total claims; and
  - \$240.00 Fee for excess independent claims.

Please Date Stamp And Return To Our Courier

Box Patent Application

RECEIVED

NOV 29 2001

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

jointed stent-graft sections to allow the prosthesis to adapt to the highly tortuous arteries associated with aneurysm patients.

Referring now to Figs. 5A-C, an alternative flexible prosthesis section may comprise a coil-shaped stent structure, in which the coils are separated from each other by a distance which allows the liner material to flex easily, thereby providing a prosthetic structure with both axial flexibility and hoop strength.

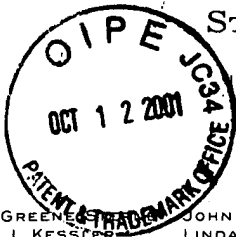
A limitation of known coiled expandable stent-graft structures is that they induce relative motion between the liner and support materials, the coil unwinding as the liner expands. Coiled prosthetic structure 82 overcomes this limitation by including an expandable coil 84 with an expansible liner material 86. As the prosthesis perimeter increases in size, expandable coil 84 elongates, preferably by deformation of a series of linked diamond-shaped elements 88. As the coil frame expands with the liner material, these two structures may be attached directly together at a plurality of locations without binding.

The expandable coil may be either self-expanding, preferably comprising a highly resilient material, ideally comprising a shape memory alloy such as super-elastic Nitinol™, or the like. Alternatively, the coil may comprise a malleable material, typically a plastically deformable metal such as stainless steel, tantalum, martensitic shape memory alloy such as Nitinol™, a shape memory polymer, or the like.

The liner will optionally an expandable tubular material, often being a woven polyester such as Dacron™, or may alternatively comprise a plastically expansible material such as PTFE, partially oriented yarn, or an annealed or wrapped composite fiber such as those more fully described in co-pending U.S. Patent Application Serial No. 08/595,944, filed February 6, 1996 (Attorney-Docket No. 16380-004010), the full disclosure of which is incorporated herein by reference.

Optionally, the liner may also include a ribbed polymer as described above. As illustrated in Fig. 5D, a ribbed PTFE

RECEIVED  
NOV 29 2001  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS



**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skpf.com

0300  
#3

ROBERT GREENE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX\*\*\*  
DAVID K.S. CORNWELL  
ROBERT W. ESMOND  
TRACY-GENE G. DURKIN  
MICHELE A. CIMBALA  
MICHAEL B. RAY  
ROBERT E. SOKOHL  
ERIC K. STEFFE  
MICHAEL O. LEE  
STEVEN R. LUDWIG

JOHN M. COVERT  
LINDA E. ALCORN  
ROBERT C. MILLONIG  
MICHAEL V. MESSINGER  
JUDITH U. KIM  
TIMOTHY J. SHEA, JR.  
PATRICK E. GARRETT  
JEFFREY T. HELVEY\*  
HEIDI L. KRAUS  
JEFFREY R. KURIN  
PATRICK D. O'BRIEN  
LAWRENCE B. BUGAISKY  
CRYSTAL D. SAYLES

EDWARD W. YEE  
ALBERT L. FERRO\*  
DONALD R. BANOWIT  
PETER A. JACKMAN  
MOLLY A. MCCALL  
TERESA U. MEDLER  
JEFFREY S. WEAVER  
KENDRICK P. PATTERSON  
DONALD J. FEATHERSTONE  
VINCENT L. CAPUANO  
JOHN A. HARROUN\*  
ALBERT J. FASULO II\*  
ELDORA ELLISON FLOYD\*

W. RUSSELL SWINDELL  
THOMAS C. FIALA  
BRIAN J. DEL BUONO\*  
VIRGIL L. BEASTON\*  
RYAN J. STAMPER\*  
REGINALD D. LUCAS\*  
THEODORE A. WOOD  
ELIZABETH J. HAANES  
BRUCE E. CHALKER  
KAREN R. MARKOWICZ\*\*  
SUZANNE E. ZISKA\*\*  
ANDREA J. KAMAGE\*\*  
NANCY J. LEITH\*\*

MARK P. TERRY\*\*  
JOSEPH M. CONRAD, III\*\*  
DOUGLAS M. WILSON\*\*  
ANN E. SUMMERFIELD\*\*  
CYNTHIA M. BOUCHEZ\*\*  
HELENE C. CARLSON\*\*  
GABY L. LONGSWORTH\*\*  
DUSTIN T. JOHNSON\*\*  
MATTHEW J. DOWD\*\*  
TIMOTHY M. SPEER\*\*  
AARON L. SCHWARTZ\*\*

\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

October 12, 2001

**WRITER'S DIRECT NUMBER:**

(202) 312-7258

**INTERNET ADDRESS:**

DJOHNSON@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

**Art Unit 3738**

Re: U.S. Utility Patent Application  
Appl. No. 09/942,919; Filed: August 31, 2001  
For: **Endoluminal Prostheses and Therapies for Highly  
Variable Body Lumens**  
Inventors: Cox *et al.*  
Our Ref: P513 DIV1 (1737.1460008/LEA/DTJ)

**RECEIVED**

**NOV 29 2001**

Sir:

**OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17) (in duplicate);
2. Copy of the Notice of Omitted Items in a Nonprovisional Application;
3. Petition in Response to Notice of Omitted Items in a Nonprovisional Application (*in duplicate*);
4. Copy of date-stamped postcard bearing OIPE date-stamp of August 31, 2001;
5. Copy of page 20 of specification, allegedly omitted from Application;
6. Return postcard; and
7. Our check no. 32829 in the amount of \$130.00 to cover:  
\$130.00 petition fee.

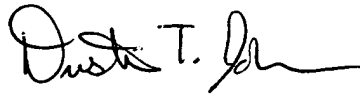
Commissioner for Patents  
October 12, 2001  
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

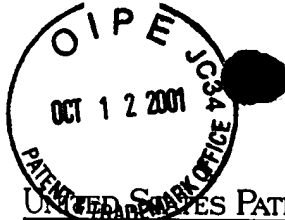
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Dustin T. Johnson  
Agent for Applicants  
Registration No. 47,684

LEA/DTJ:nar  
Enclosures

#3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/942,919	08/31/2001	Brian Cox	1737.1460008

28390  
MEDTRONIC AVE, INC.  
3576 UNOCAL PLACE  
SANTA ROSA, CA 95403

RECEIVED

NOV 29 2001

CONFIRMATION NO. 9761

FORMALITIES LETTER



\*OC000000006590163\*

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

Date Mailed: 09/21/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 20 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

---

*A copy of this notice MUST be returned with the reply.*

*JS*

---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE